REMARKS

Claims 58-70, 74-76, 78, 79, 81, and 83 are pending. Claims 58-70, 74-76, 78, 79, and 81-83 were rejected. Claim 82 is canceled by way of this amendment. Claims 58-70, 74-76, 78, 79, 81, and 83 are amended. Support for the amendments may be found in at least page 7, lines 6-12; page 12, line 17 – page 13, line 2; and page 15, line 21 – page 16, line 7 of the application as originally filed. No new matter has been added.

Summary of Examiner Interview

Applicants would like to thank the Examiner for conducting the interview held on August 30, 2011. Distinctions between the present application and the art of record were discussed. No agreement was reached.

Drawings

The drawings were rejected as not showing every feature of the invention as specified in the claims. In light of the amendments to the claims, withdrawal of this rejection is respectfully solicited.

Rejection Under 35 U.S.C. §101

The Office Action rejected claim 78 under 35 U.S.C. §101 as being directed to non-statutory subject matter. In light of the amendment to claim 78, withdrawal of the rejection is respectfully solicited.

Rejections Under 35 U.S.C. §112

The Office Action rejected claims 58 and 76 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Regarding the rejection of "a first feature set" and "a second feature set" as claimed, in light of the amendments to claims 58 and 76, withdrawal of this rejection is respectfully solicited.

Regarding the rejection of a "bonus gaming program shared object" as claimed, in light of the amendments to claims 58 and 76, withdrawal of this rejection is respectfully solicited.

Regarding the rejection of "each of the plurality of gaming program shared objects [being] configured to provide a feature set for a plurality of computerized wagering games" as claimed, in light of the amendments to claims 58 and 76, withdrawal of this rejection is respectfully solicited.

Regarding the rejection of a game state storage and a non-volatile storage, claims 58 and 76 have been amended to recite a game state device. The specification states "[d]ata written to the game state device must also be written to the nonvolatile storage device, unless the game state data device is also nonvolatile, to ensure that the data stored is not lost in the event of a power loss." (Applicants' specification; page 14, lines 24-26). In light of the amendments to the claims, and the recitation of two separate storage devices in the detailed description and as shown in Figure 2, it is respectfully submitted that the game state device, as claimed, is supported by the specification as originally filed. Accordingly, withdrawal of this rejection is respectfully solicited.

Regarding the rejection of "the computerized game controller being operable to control a plurality of computerized wagering games" as claimed, in light of the amendments to claims 58 and 76, withdrawal of this rejection is respectfully solicited.

The Office Action rejected claims 58, 61, 63, 82, and 83 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the amendments to the rejected claims, withdrawal of the rejections is respectfully solicited.

Rejections Under 35 U.S.C. §103(a)

The Office Action rejected claims 58-70, 74-76, 78, 79, and 81-83 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,592,609 to Suzuki et al. (hereinafter "Suzuki") in view of U.S. Patent No. 6,315,666 to Mastera et al. (hereinafter "Mastera"). Applicants respectfully traverse these rejections in view of the following.

As amended, claim 58 recites a "system handler application operable to dynamically link with a plurality of gaming program shared objects and device handlers for the computerized wagering game at run time when the computerized wagering game is executed … , wherein the plurality gaming program shared objects are functional units of game code that provide a particular feature set for the computerized wagering game, and wherein the system handler application loads,

executes, and unloads the plurality of gaming program shared objects one at a time during execution of the computerized wagering game."

Among other things, Suzuki describes a game processor console including a floppy disk that stores an operating system and model software that may be used to fabricate a video game. (Suzuki; Col. 5, lines 20-37). Suzuki describes "[a] command routine portion of the operating system [that] includes subroutines that perform actual operations based on instructions from the kernel and [a] peripheral driver section of the operating system [that] includes subroutines that handle access to the various peripherals as described above." (Suzuki; Col. 27, lines 48-50). Thus, according to Suzuki, a subroutine may perform operations based on instructions from the kernel of an operating system. The kernel, as described in Suzuki "interprets commands, manages memory, reads in transient operating system portions and starts up command routines." (Suzuki; Col. 27, lines 41-43).

The operating system subroutines described by Suzuki do not disclose or suggest "functional units of game code that provide different feature sets of the computerized wagering game," as recited in claim 58. As discussed above, the operating system subroutines may "handle access to various peripherals." (Suzuki; Col. 27, line 40-52). However, the subroutines, such as the buffer drivers, debug subroutines, and system break routines referenced by the Office Action, are used to manage memory and unpack a transient operating system, transient BIOS, and peripheral drivers. There is no disclosure or suggestion of "provid[ing] a particular feature set for the computerized wagering game," as claimed.

Moreover, the referenced portion of Suzuki does not disclose or suggest a system handler application, as recited in claim 58. While Suzuki describes the use of subroutines to manage various hardware components, the portion of Suzuki referenced by the Office Action makes no disclosure or suggestion of a "system handler application" or any other component of the operating system "[that] loads, executes, and unloads the plurality of gaming program shared objects one at a time during execution of the computerized wagering game," as claimed. (emphasis added).

The Office Action may attempt to argue that such a disclosure may be inherent. However, "in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (*Ex parte Levy,* 17 USPQ2d 1461). "The mere fact that a certain thing may result from a given set of circumstances is not sufficient." (*In re Robertson*, 169 F.3d 743). For example, the gaming console disclosed by Suzuki may load all

data necessary to execute a game, and then subsequently execute the game after all data has been loaded. (See Suzuki, Col. 5, lines 20-40). The system described by Suzuki does not necessarily "[load], [execute], and [unload] the plurality of gaming program shared objects one at a time during execution of the computerized wagering game," as claimed. (Claim 58, emphasis added). Thus, the features recited in claim 58 do not necessarily flow from the teachings of Suzuki.

Mastera fails to cure the deficiencies of Suzuki with respect to claim 58. Mastera describes gaming machines having a secondary display for providing video content. The system disclosed in Mastera may further comprise a graphics controller and video RAM storing video data corresponding to displayed video content. The language cited in the Office Action describes a system controller determining when video data should be provided to a graphics controller. (Mastera; Col. 13, lines 10-13). The graphics controller may then control the display of the content on the LCD display in accordance with an animation. (Mastera; Col. 13, lines 13-15).

While Mastera discusses video data corresponding to displayed video content, Mastera only references data associated with a wagering game in the context of sending data to a display on a gaming machine. (See Mastera, figure 2). Mastera is silent, and makes no disclosure or suggestion of an operating system, a "plurality gaming program shared objects [that] are functional units of game code that provide a particular feature set for the computerized wagering game," or a "system handler application [that] loads, executes, and unloads the plurality of gaming program shared objects one at a time during execution of the computerized wagering game," as recited in claim 58. Thus, Mastera is not believed to reasonably disclose or suggest the features recited in claim 58.

Accordingly, Suzuki alone or in combination with Mastera fails to render independent claim 58 obvious, under 35 U.S.C. §103(a). Claims 76 and 78 recite features similar to that of claim 58 and are patentable for similar reasons. Dependent claims are patentable at least by virtue of their dependency. As such, allowance of claims 58-70, 74-76, 78, 79, 81, and 83 is earnestly solicited.

Conclusion

For at least the foregoing reasons, it is respectfully submitted that all claims are allowable. Should the examiner believe that a telephone conference would expedite the prosecution of this application, applicant's attorney requests that the examiner contact him at the telephone number below.

Applicants hereby petition for any (additional) extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this amendment is to be charged to Deposit Account No. 504480 (Order No. IGT1P369/SH00052-001).

Respectfully submitted,
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